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ABSTRACT

The eleventh session of the Intergovernmental Copyright Committee was held from November 3-5, 1971. This document reports on the agenda of that meeting which included the following topics: (1) report from the Conference for Revision of the Universal Copyright Convention (July 5-24, 1971); (2) photocopying of copyright works; (3) problems arising from the use of computers and other technological equipment; (4) report on the development of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations; (5) transmission via space satellites; (6) protection of phonograms; (7) assistance to states in developing their national copyright laws; and (8) a report on recommendations adopted by international organizations in the field of copyright, or likely to have repercussions on copyright. A list of participants and observers is appended. (SJ)

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INTERGOVERNMENTAL COPYRIGHT COMMITTEE

Eleventh Session
Geneva, November 1971

COMITE INTERGOUVERNEMENTAL DU DROIT D'AUTEUR

COMITE INTERGUBERNAMENTAL DE DERECHO DE AUTOR

Undécima Reunión
Ginebra, Noviembre 1971

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IGC/XI/14
PARIS, 14 January 1972
Translated from the French

REPORT

Presented by the Secretariat of the Committee

Introduction

1. The Intergovernmental Copyright Committee (hereinafter called "the Intergovernmental Committee") established under Article XI of the Universal Copyright Convention, held its eleventh ordinary session at the Headquarters of the International Labour Office (ILO), at Geneva, from 3 to 5 November 1971.

2. The twelve Member States of the Committee (Argentina, Brazil, France, Federal Republic of Germany, India, Italy, Kenya, Spain, Switzerland, Tunisia, United Kingdom and United States of America) were represented at this session.

3. The following States, parties to the Universal Copyright Convention or members of the United Nations Educational, Scientific and Cultural Organization, or the United Nations, were represented by observers: Australia, Belgium, Canada, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Finland, Greece, Guatemala, Holy See, Israel, Ivory Coast, Japan, Khmer Republic, Lebanon, Mexico, Netherlands, Nigeria, Pakistan, Panama, Philippines, Portugal, Sweden and Yugoslavia.

4. The representatives of three intergovernmental organizations and seventeen international non-governmental organizations followed the work of the Committee as observers.

5. The list of participants appears in an annex to this Report (Annex B).

Opening of the eleventh ordinary session

6. The eleventh ordinary session of the Committee was opened by its chairman, Mr. J.C. Ribeiro (Brazil).

7. The representative of the Director-General of Unesco, Mr. Claude Lussier, Director of the Office of International Standards and Legal Affairs, welcomed the members of the Committee and the observers designated by the States, and the intergovernmental and non-governmental organizations.

In his address, Mr. Lussier stressed the importance of the present session of the Intergovernmental Committee, since it was taking place immediately after the Conference for Revision of the Universal Copyright Convention.

Recognizing that the modern means of communication and dissemination, in particular photographic reproduction, computers and satellites, may contribute to the promotion of culture and

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science as well as to the satisfaction of the needs of developing countries in the field of education, he emphasized the necessity of resolving the problems raised in the area of intellectual property by these new means of communication.

Election of officers

8. On the proposal of the delegation of France, supported by the delegations of India, Federal Republic of Germany, Kenya and Spain, H.E. Mr. Rafik Saïd, head of the delegation of Tunisia, and Mr. George D. Cary, head of the delegation of the United States of America, were unanimously elected Chairman and Vice-Chairman of the Committee, respectively.

Drafting of the Report

9. In accordance with Rule 17 of the Rules of Procedure, the Secretariat of the Committee was provided by the United Nations Educational, Scientific and Cultural Organization. The present report was drafted by the Secretariat of the Committee.

Adoption of the Agenda

10. The provisional agenda contained in document IGC/XI/1 was unanimously adopted by the Committee with the understanding that item 7: Partial renewal of the Intergovernmental Copyright Committee, would be deferred until the end of the session.

Admission of international non-governmental organizations

11. The Committee decided to grant the requests presented by the International Confederation of Professional and Intellectual Workers (CITI) and by the International Secretariat of Entertainment Trade Unions (ISETU) to be admitted to the list of international non-governmental organizations which attend the meetings of the Committee in an observer capacity.

Application of the Universal Copyright Convention adopted in 1952

12. The Committee took note of the information contained in document IGC/XI/2 relative to the state of ratifications or accessions to the Convention and Protocols 1, 2 and 3 annexed thereto.

13. Recognizing that Andorra was included among the States which are party to the Convention, the delegation of France made the following declaration:

"The position of France with regard to the representation of the interests of Andorra at international conferences is not arbitrary: it derives necessarily from a very clear legal situation.

1. The Valleys of Andorra do not constitute a sovereign State, but a territory; for this reason, they cannot be represented at international conferences, nor be a contracting party to international agreements.

2. The situations of the two co-princes - the Bishop of Urgel and the President of the French Republic - are not legally equivalent. Of the two co-princes, only the President of the French Republic is an international legal person; as a result, only he has the capacity to represent Andorran interests in international relations and, as the case may be, to extend the field of application of an agreement to the Valleys."

14. The delegation of Spain made the following declaration:

"Spain does not share the view of the delegation of France. Spain recognizes the international personality of Andorra which has been confirmed on numerous occasions as witnessed by its presence at several international meetings in the capacity of a sovereign entity. Unesco itself shared this point of view, and thus Andorra was able to sign the Universal Copyright Convention of 1952, as indicated by the document under discussion.

Furthermore, Andorra has two co-princes as sovereigns who are on completely equal footing, on the international as well as the domestic level. Both may designate representatives of Andorra abroad: the Bishop of the Seo de Urgel and the President of the French Republic, in his personal capacity."

Conference for Revision of the Universal Copyright Convention

15. The Secretariat of the Committee reported on the work of the Conference for Revision of the Universal Copyright Convention which was held from 5 to 24 July 1971, at Unesco Headquarters in Paris (document IGC/XI/3). It indicated that the new and fundamental provisions of the revised Convention were the following:

(i) Article IV bis, which recognizes the exclusive rights of reproduction, public performance and broadcasting and thus extends the minimum scope of protection guaranteed by the Convention;

(ii) Articles V bis, V ter and V quater, which concern the preferential system instituted for the benefit of developing States. Article V bis defines those countries by reference to the established practice of the General Assembly of the United Nations, as well as the duration of the preferential system from which those States may benefit. Article V ter concerns the right of translation and reduces, in favour of developing countries and only for works used for the purpose of teaching, scholarship or research, the period of seven years, at the expiration of which a translation licence may be obtained under the terms of Article V of the 1952 Convention, to three years in the case of a language in general use in one or more of the developed countries, and one year in the case of a translation into a vernacular language. In addition, the Conference decided to extend the licence, initially intended to apply only to publishers of printed works, so as to include, under certain conditions, broadcasting organizations having their headquarters in a Contracting State corresponding with the definition of a developing State. Finally, Article V quater establishes a reproduction licence at the expiration of a five-year period, this period being reduced to three years for works of the natural and physical sciences, including mathematics, and of technology, and extended to seven years for works of the imagination;

(iii) Article XI (2), which raised the number of members of the Intergovernmental Copyright Committee, originally fixed at twelve by the 1952 Convention, to eighteen;

(iv) Sub-paragraph (b) of the Appendix Declaration relating to Article XVII sets aside for developing countries the sanctions on withdrawal from the Berne Union provided for in sub-paragraph (a) of the same text.

The Secretariat also stated that twenty-eight States have to date signed the revised Convention as well as annexed Protocol 2, and twenty-six States have signed annexed Protocol 1 (which are open for signature for a period of 120 days after their date); Japan, having signed these instruments on 22 October 1971, that is after the establishment of document IGC/XI/3, is thus not mentioned among the signatories.

16. The delegation of the United Kingdom stated that, although ratification by its government of the revised Universal Convention would not entail revision of its national legislation, it was necessary to follow the appropriate parliamentary procedure. Recalling that the United Kingdom had already deposited with the Director-General of WIPO a declaration admitting the application of the Annex of the Paris Act of the Berne Convention, he was of the opinion that this first measure would soon be followed by the ratification of the revised Universal Convention.

Partial renewal of the Intergovernmental Copyright Committee

17. The Committee proceeded to the partial renewal of the Intergovernmental Committee by means of a formal vote taken on 4 November, in application of Articles 2 and 29 of its Rules of Procedure.

18. The delegation of Switzerland drew to the attention of the Committee that it was renouncing its right of re-election to the seat its country had occupied since the creation of the Intergovernmental Committee. It said that its gesture was inspired by several considerations among which it wished to specify one. With regard to this matter, it recalled that at the last revision of the Rules of Procedure of the Intergovernmental Committee in 1967, the representative of Switzerland had proposed that at least two out of four members of the Committee should yield their seats every two years, in order to assure a better renewal of the Committee. This proposal, considered as too radical, had not been retained.

The federal authorities were of the opinion that it was desirable to give all the States members of the Universal Copyright Convention the possibility of sitting in turn on the Intergovernmental Committee. It was in this spirit that Switzerland voluntarily renounced its right, while expressing the hope that this point of view would be shared by the authorities of other countries members of the Committee when their terms expire.

19. The results of the vote were the following: Brazil : 12 votes, Spain : 12 votes, Federal Republic of Germany : 11 votes, Israel : 6 votes, Belgium : 2 votes, Lebanon : 1 vote, Mexico : 1 vote, Nicaragua : 1 vote, Philippines : 1 vote, Sweden : 1 vote.

20. Brazil, Spain, Federal Republic of Germany and Israel were declared elected.

21. The delegations of the Federal Republic of Germany, Brazil and Spain, after expressing their appreciation for the gesture of the delegation of Switzerland, thanked the members of the Committee for having re-elected their countries. The delegation of Israel also thanked them for having been elected.

Advisability of holding joint meetings of the Intergovernmental Copyright Committee and the Executive Committee of the Berne Union

22. The Intergovernmental Committee unanimously expressed the wish that the practice would be maintained of holding certain sessions jointly with the Executive Committee. It decided, therefore, to continue on this basis so far as questions of common interest to the two Committees are concerned.

Other questions

23. Following the decision mentioned above, the other questions contained in the Agenda of the Intergovernmental Committee were examined during joint meetings with the Executive Committee of the Berne Union.

Photocopying of copyright works

24. The Secretariat of Unesco introduced document B/EC/ES/3-IGC/XI/5 and drew to the attention of the Committees Resolution 5.132 adopted by the General Conference of Unesco at its sixteenth session, which decided to defer to its seventeenth session, to be held in October/November 1972, the study of the advisability of adopting a means of international regulation of photocopying of works protected by copyright.

25. After an exchange of views, the Executive Committee and the Intergovernmental Copyright Committee considered that the subject was complex, required further study and could not yet be regarded as being ripe for a final decision. Certain delegations remarked that the recommendations adopted by the Committee of Experts convened in 1968 under the joint auspices of Unesco and BIRPI should be reviewed in the light of the recent revisions of the multilateral copyright conventions and added to in certain respects, particularly as regards the uses which could be made in the industrial and commercial sectors. It was also emphasized that the question whether a library was or was not "profit-making" was less important than the profit-making purposes of the use made of a photocopy by the person ordering it.

26. The Committees considered that the drafting of any text to serve as a guide to national legislation in this field should, since the question was essentially of a technical nature, be undertaken under their own auspices by the Secretariats of Unesco and WIPO with the assistance of experts from developed and developing countries. Several delegations expressed the wish that in the selection of these experts account should be taken of the interests of countries which, while economically developed, were still importers of works.

27. They also expressed the conviction that if the question were to be regulated at the international level this should be done by means of recommendations and not by the establishment of a new international convention.

28. The Executive Committee and the Intergovernmental Copyright Committee decided respectively to adopt identical resolutions reflecting their point of view on this question. This resolution is contained in an annex to this Report (Annex A).

Problems arising from the use of computers and other technological equipment

29. The Executive Committee and the Intergovernmental Copyright Committee took note of the report on this subject drawn up by Professor Eugen Ulmer, Director of the Max-Planck-Institut at Munich (Federal Republic of Germany), at the request of the Secretariats of WIPO and Unesco; this request had been made in accordance with the previous decisions of the Committees.

30. In presenting his report, Professor Ulmer emphasized that the essential question, so far as copyright was concerned, was whether the owners of copyright could exercise control at the point of input into a computer system, or only at the output stage, and to what extent the international conventions regulated this question. The provisions of the Berne Convention (Stockholm and Paris Acts), in that they clearly protected works at the input stage, appeared to him to provide a suitable basis for the regulation at the international level of problems arising from the computer storage and retrieval of protected works. So far as the revised Universal Copyright Convention was concerned, it was true that the provisions were not as precise as those of the Berne Convention. Nevertheless, a broad interpretation of the concept of reproduction would permit the view that, under the Universal Convention, input into a computer should also be considered a reproduction, whatever the process employed. In any event, given the present situation, a revision of the two Conventions or a new international convention did not seem to be necessary in this connexion. On the other hand, Professor Ulmer expressed the hope that agreements would be discussed and concluded between copyright and computer owners in the interests of facilitating access to protected works; at the same time the possibility would be examined of establishing clearing houses both at the national and at the international levels. He suggested that WIPO and Unesco should encourage such co-operation by convening a committee of experts; this, however, was not urgent.

31. The Executive Committee and the Intergovernmental Copyright Committee, having warmly congratulated Professor Ulmer upon his outstanding study, supported his suggestion of convening, under the joint auspices of WIPO and Unesco, a committee of experts with the task of studying these problems. They also considered that it was not urgent to convene such a meeting, and decided to place the question on the agenda of their next sessions.

Development of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations

32. The International Bureau of WIPO introduced document B/EC/ES/5-IGC/XI/7 concerning the development of the said Convention. It also gave an account of the results of the third ordinary session of the Intergovernmental Committee established under Article 32 of the Convention, held at Geneva on 1 and 2 November 1971.

33. The Executive Committee and the Intergovernmental Copyright Committee took note of the information presented to them.

Transmission via space satellites

34. This item of the agenda was introduced by the Secretariat of Unesco (document B/EC/ES/6-IGC/XI/8), which referred to the work of the Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites, convened jointly by the Directors-General of Unesco and WIPO at Lausanne-Ouchy, Switzerland, from 21 to 30 April 1971.

35. Before examining the substance of the question, the Executive Committee and the Intergovernmental Copyright Committee were informed of the invitation addressed by the Government of Kenya to the Directors-General of Unesco and of WIPO to hold in Nairobi in 1972 the second Committee of Governmental Experts, the convening of which had been regarded as desirable by the experts who met in Lausanne.

36. The Director-General of WIPO recalled that he had already communicated this invitation to the Executive Committee at its ordinary session held at the end of September 1971, and that the Committee had authorized him to accept it, subject to certain reservations of a budgetary nature. He added that having examined the financial implications WIPO was able to bear the costs of a meeting in Nairobi of the said Committee of Experts and that he had so informed the Government of Kenya. He indicated that he had later been warned of financial problems which confronted Unesco in this respect.

37. The representative of the Director-General of Unesco gave an account of the reasons which had led to the position adopted by the latter in this regard, of which the Director-General of WIPO had been informed. He emphasized the vital interest of Unesco in all matters concerning developing countries and he assured the Committees that the kind invitation of the Government of Kenya had been considered with all the sympathy which it deserved.

38. Having recalled the scope and size of Unesco's programme in the matter of the use of satellites for the promotion of education, science and culture and of the progress of developing countries by these means, and having recalled also the effect of the different decisions taken since 1968 by the competent bodies of Unesco for the putting into operation of a joint Unesco/WIPO programme in the field of the protection of signals transmitted by satellites, he explained that Unesco found itself in a situation of a severe budgetary deficit for the years 1971-1972, and he informed the Committees of clear directives given to the Director-General by the Executive Board at its last session with a view to absorbing the present deficit and that foreseeable for the years 1971 to 1972.

39. In these conditions, and without prejudice to the execution of the programme provided for, the Director-General considered that he could not justify, in the present circumstances and to his great regret, accepting the invitation of Kenya; this would have, in the area of administrative expenses, consequences which would run counter to the very clear instructions of the Executive Board. Consequently, and for the reasons indicated, the Director-General of Unesco thought it desirable that the second Committee of Governmental Experts, the convocation of which was authorized by the Executive Board of Unesco at its 88th session (October 1971), should be held either in Geneva or in Paris, while indicating his preference that the meeting be held in Paris on the dates originally foreseen.

40. In reply to questions put to him, the representative of the Director-General of Unesco made it clear that, because a meeting in Nairobi would involve expenses additional to those provided for in the programme and budget for 1971-1972, the question was one of an increase of costs. Consequently, and in view of the decisions adopted in this connexion by the Executive Board, the Director-General of Unesco did not consider that he was able to accept the invitation of the Government of Kenya.

41. Having heard these declarations, the Executive Committee and the Intergovernmental Copyright Committee were informed by the delegation of Kenya that its government, convinced of the urgency of holding a meeting in the course of the first half of 1972 at the latest, but understanding also the situation explained by the representative of the Director-General of Unesco, had decided with regret to withdraw its invitation in order not to delay the convening of the said Committee. The delegation of Canada, supported by the delegation of Spain, also expressed the view that the holding of a further meeting of experts was a matter of some urgency.

42. The Executive Committee and the Intergovernmental Copyright Committee unanimously requested the delegation of Kenya to express, on their behalf, their thanks to its government for its kind invitation.

43. Taking into account the views expressed by the representative of the Director-General of Unesco, and after the Director-General of WIPO had indicated his agreement, the Committees agreed that the second Committee of Experts should be convened at the headquarters of Unesco in Paris on the dates previously envisaged, that is to say from 9 to 17 May 1972.

44. The Executive Committee and the Intergovernmental Copyright Committee then proceeded to a brief exchange of views on the problems considered by the Committee of Experts which met in Lausanne. They recognized the importance of these problems and recommended that the results of the said Committee of Experts, as well as the views expressed on these results by the Executive Committee of the Berne Union, the Intergovernmental Copyright Committee and the Intergovernmental Committee of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, as suggested by paragraph 3 (b) of the resolution adopted by the Lausanne Committee of Experts, should, as soon as possible, be brought to the attention of governments and of the international non-governmental organizations concerned in order to enable them to study the problems in depth and to make observations upon them. They decided to adopt, each as far as it is concerned, a resolution on this subject which is reproduced in an annex to this Report (Annex A).

45. Certain delegations stressed the importance and necessity of protecting the rights of the public which would receive the emissions, and thought it desirable that the competent authorities continue to study this question.

46. The delegation of the United Kingdom expressed its reservations on the advisability of preparing a new international instrument on this subject, and therefore abstained when the previously cited resolution was adopted.

47. The delegation of Italy recalled its suggestion, which still held good, that the whole question of the protection of signals be regulated in a protocol to be annexed to the Rome Convention.

48. The observers representing authors and legal circles concerned with the protection of copyright drew the attention of the Committees to the need not to lose sight of the interests of authors, particularly in the problems posed by the use of direct broadcasting satellites; these problems also required urgent study.

Protection of phonograms

49. The International Bureau of WIPO introduced document B/EC/ES/7-IGC/XI/9 and reported upon the results of the International Conference of States, held at Geneva from 18 to 29 October 1971. This conference had led to the adoption of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms. The Convention was signed on 29 October by twenty-three States; it is to be deposited with the Secretary-General of the United Nations and remains open for signature until 30 April 1972.

50. The observer of the International Federation of the Phonographic Industry (IFPI), recalling the resolutions adopted in 1970, expressed his thanks to the Executive Committee and to the Intergovernmental Copyright Committee for having taken the initiative to ask the competent organs of WIPO and of Unesco to take the necessary steps for the preparation of this new international instrument. He congratulated the Secretariats of the two organizations upon the rapidity with which they had successfully concluded the work.

Assistance to States in developing their national copyright laws

51. Information concerning assistance to States in developing their national copyright laws was presented by the Secretariats.

52. The Director-General of WIPO indicated that the programme of work adopted by the competent bodies of the Berne Union for 1972 provided for the preparation of a Model Law on copyright for developing countries on the basis of the new provisions, adopted at Paris in July 1971, of the Berne Convention.

53. The representative of the Director-General of Unesco declared that the revision of the Universal Convention, also carried out at Paris in July 1971, led to the need for a reshaping of the African Model Law established in 1964 by a committee of African experts convened under the joint auspices of Unesco and BIRPI, and that it was intended that the necessary means to this end should be included in the draft programme of Unesco for 1973-1974.

54. In reply to a question, the Director-General of WIPO and the representative of the Director-General of Unesco made it clear that experts would be associated with the work to be undertaken by the two Secretariats in this field, which would do their best to co-ordinate their activities. The representative of the Director-General of Unesco added that in order to avoid any duplication of work, such activities could be carried out within the framework of a joint programme of the two organizations.

55. The Secretariat of Unesco also indicated that in the course of the year 1971 an expert had been sent to the People's Republic of the Congo who had prepared, in co-operation with the national competent authorities, a draft copyright law which had now been submitted for the approval of the bodies provided for by the constitution of that country. Legal technical assistance had also been furnished to the Republic of Viet-Nam in the preparation of a new copyright law. For 1972, fellowships in the field of copyright had already been granted to nationals of the People's Republic of the Congo, of Nepal and of Ghana; in the case of this last country, an expert would also be provided to assist the government in the establishment of a copyright office and a national centre of information concerning copyright.

56. Finally, the Secretariat of Unesco reported that an international copyright information centre had been created at Unesco, in accordance with resolution 4.122 adopted by the General Conference at its sixteenth session. It indicated that the functions of this centre were as follows: (i) to assemble copyright information relating to books which developing countries may obtain on as favourable conditions as possible; (ii) to arrange the transfer to developing countries of rights granted by copyright owners; (iii) to contribute to the preparation of simple standard forms of contract concerning rights of translation, of reproduction, etc., needed by developing countries; (iv) to study measures for the obtaining of the grant of copyright or of other rights in the case of a lack of foreign currency; (v) to facilitate arrangements for the adaptation and publication of works, in particular those which have a technical or educational character.

57. The Secretariat of Unesco added that, in all its activities concerning the exchange of information, the centre would work in close liaison with national associations of authors and publishers, national centres of copyright information and international professional organizations concerned with books.

58. The delegation of Brazil, referring to a document prepared for a symposium to be organized by WIPO in Bogota in November 1971, concerning the "established practice of the General Assembly of the United Nations" to be taken into account when considering which countries were to be regarded as developing countries for the purposes of the Appendix to the Paris Act of the Berne Convention, asked whether the said document reflected any decisions taken on this question by the competent bodies of WIPO. The delegation of India asked why WIPO was not organizing the Bogota symposium jointly with Unesco. On the first question, the Director-General of WIPO indicated that no decisions had been taken on this subject and that this point would be emphasized at the symposium, possibly by means of a short additional document. On the second question, he pointed out that by far the greater part of the symposium would be devoted to industrial property questions, in which Unesco had no rôle to play, and, in any case, not all activities of WIPO and Unesco were joint in the field of copyright.

Recommendations adopted by international organizations in the field of copyright or likely to have repercussions on copyright

59. The Intergovernmental Copyright Committee and the Executive Committee took note of information on this subject contained in document B/EC/ES/8-IGC/XI/10. They were also informed that the International Secretariat of Entertainment Trade Unions had adopted at its Third Congress, held in Vienna from 19 to 22 May 1971, several resolutions concerning, inter alia, video-cassettes, residual rights and satellites, but that it had not been possible to reproduce these resolutions in the document under consideration, for their texts had not reached the Secretariat of Unesco or the International Bureau of WIPO at the time of its preparation.

Miscellaneous

60. Under this heading, the Secretariat of Unesco informed the Intergovernmental Copyright Committee and the Executive Committee that the General Conference of Unesco at its sixteenth session in November 1970 had adopted by acclamation resolution 4.121 proclaiming 1972 International Book Year (IBY); it indicated that under the general theme "books for all" the essential objectives were the following: (i) the encouragement of the activities of writers and translators (taking into account the protection of copyright); (ii) the production and distribution of books (including the development of libraries); (iii) the promotion of reading; (iv) books in the service of education, of international understanding and of peaceful co-operation. Among the initiatives already taken in this respect, the preparation by international non-governmental organizations concerned of a "Charter of the Book" was the subject of particular mention.

Date and place of the next sessions

61. The representative of the Director-General of Unesco recalled that in the absence of a formal invitation from a Member State, the Committees held their sessions at the headquarters of the two Secretariats alternately. In these circumstances, he suggested that the twelfth ordinary session of the Intergovernmental Copyright Committee and the second extraordinary session of the Executive Committee be held at the headquarters of Unesco in Paris, preferably at the end of 1973. The Director-General of WIPO declared that he willingly accepted this suggestion, which was adopted unanimously by the two Committees.

Closing of the meeting

62. The Chairman of the Committees, after thanking the Director-General of ILO for his willingness to receive them, congratulated the participants on the work they had accomplished. He emphasized the quality of the preparatory work done by Unesco and WIPO and thanked the two Intergovernmental Organizations for it.

63. The delegation of India spoke on behalf of the participants of both Committees when he thanked the Chairman for the skill with which he had conducted the discussions and the Secretariats for their contribution to the success of the work.

ANNEX A

RESOLUTIONS

Resolution No. 62(XI) Photographic reproduction of copyright works

The Intergovernmental Copyright Committee sitting with the Executive Committee of the Berne Union,

Having considered the item of its agenda relating to the photographic reproduction of copyright works,

Being of the opinion that the matter is not yet ripe for international regulation, that its study should be continued and that the Secretariats of WIPO and Unesco, with the assistance of experts from developed and developing countries, should formulate proposals on this subject in the first half of 1973,

Considers that the said matter should, after this study, be regulated at the international level by a recommendation, which could serve as a guideline for national legislations, and not by an international convention,

Further expresses the wish that the said proposals should be referred to the two Committees at their joint meetings in 1973.

Resolution No. 63(XI) Transmissions via space satellites

The Intergovernmental Copyright Committee sitting with the Executive Committee of the Berne Union,

Having considered the report of the Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission via Space Satellites, convened by the Directors-General of Unesco and of WIPO at Lausanne-Ouchy from 21 to 30 April 1971,

Recognizing the importance of the problems which were the subject of the deliberations of the said Committee of Experts,

Endorses the wish, expressed by the Committee of Experts, that the results of its deliberations be communicated as soon as possible to the governments, and also to the international non-governmental organizations concerned, in order to enable them to study the said problems in depth and to communicate their observations to the Secretariat of Unesco and to the International Bureau of WIPO;

Considers that in order to adopt a final position, studies on this subject should be continued;

Takes note that the Directors-General of Unesco and of WIPO will convene jointly a new committee of governmental experts for this purpose in the course of the first half of 1972 at the latest.

ANNEXE B

LISTE DES PARTICIPANTS/[1]
LIST OF PARTICIPANTS
LISTA DE PARTICIPANTES

I. MEMBRES DU COMITE/MEMBERS OF THE COMMITTEE/MIEMBROS DEL COMITE

REPUBLIQUE FEDERALE D'ALLEMAGNE/FEDERAL REPUBLIC OF GERMANY/
REPUBLICA FEDERAL DE ALEMANIA

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Mrs. Elisabeth Steup
Ministerial Councillor
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ARGENTINE/ARGENTINA

Sr. Luis M. Laurelli
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BRESIL/BRAZIL/BRASIL

Mr. Jorge Carlos Ribeiro
First Secretary of Embassy
Ministry for External Relations

ESPAGNE/SPAIN/ESPAÑA

Sr. D. Carlos M. Fernandez-Shaw
Subdirector General de Relaciones Culturales
Ministerio de Asuntos Exteriores

Da. Isabel Fonseca-Ruiz
Directora del Gabinete de Estudios de la Dirección
General de Archivos y Bibliotecas

ETATS-UNIS D'AMERIQUE/UNITED STATES OF AMERICA/ESTADOS UNIDOS DE AMERICA

Mr. George D. Cary
Acting Register of Copyrights
Library of Congress

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